

**Notice of Allowability**

Application No.

10/663,080

Examiner

Navneet Sonia Khaira

Applicant(s)

SHERMAN, YURY

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed on September 16, 2003.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ The drawings filed on 16 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                     | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Yury Sherman on May 15, 2005. The old abstract is replaced with the one below:

#### **Abstract**

A hand-operated device for measuring, dispensing and storing of powder, granular and grain materials, having filling and discharging/storing positions, comprising: a container wherein the material is stored and a measuring and dispensing unit attached to the container. In the preferred embodiment the unit includes: a housing having interconnected material receiving and material discharging openings; a slide moveable back and forth inside the passageway, delivers the material from the receiving opening to the discharging opening, accommodating a predetermined volume of the material dispensed by the device in one stroke; extensions prevent bridging of the dispensed material, a spring, being extended when the slide moves inside the housing due to an outside force applied to the slide and returning the slide into its original

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position after the outside force is released; a retaining apparatus holding the slide inside the housing in its discharging position when the device is not in use, a stopping apparatus fixing filling position of the slide; and apparatus providing airtight closing of the measuring and dispensing unit of possible penetration of air from the container to outside atmosphere or back. In the first embodiment the device includes extensions on the slide directed towards the container to break-up clogged material within container during movement of the slide. In the second embodiment the transporting mechanism includes also a screening mechanism capable to close or open the compartment in the slide wherein the dispensed material is received.

### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance:

With respect to claim 1 and claims dependent thereon

The inclusion of the means of preventing creation of the bridge, being extensions from the slide directed toward the container, moveable together with the slide along the passageway, crossing a potential counter of the bridge during the motions of the slide along the passageway was not taught or fairly suggested by the prior art.

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With respect to claim 8, and claims dependent thereon

The inclusion of the screener of the screening mechanism, having closed and opened positions, including an opening capable to interconnect the openings in the second and third walls when the screener is moved along the passageway accommodating the screener was not taught or fairly suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mitchell (US 5,685,461), Christensen et al (US 4,277,002), Galopin (US 4,531,658), McKillop Jr (US 2, 775,270) and Tuvim et al (US 5,421,491) also disclose fluid dispensing and measuring devices.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet Sonia Khaira whose telephone number is 571-272-7142 The examiner can normally be reached on 8:30am-6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Navneet Sonia Khaira  
Examiner  
Art Unit 3754

NK

  
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